

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE COMMISSION	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 15-269
NAN HUANG	:	

ORDER

AND NOW, this 4th day of December 2015, upon consideration of Plaintiff's Motion *in limine* to admit evidence of Defendant's Fifth Amendment assertions and instruct the jury on an adverse inference (ECF Doc. No. 72), Defendant's Opposition (ECF Doc. No. 83), and following today's oral argument, it is **ORDERED** Plaintiff's Motion *in limine* (ECF Doc. No. 72) is **GRANTED in part and DENIED in part**:

1. Plaintiff's Motion is **GRANTED** as to a jury instruction providing the jury may draw an adverse inference arising from Mr. Huang's invocation of a Fifth Amendment privilege in refusing to describe whether he believed Capitol One's confidential credit card database he used and accessed was material information;

2. Plaintiff's remaining requests are **DENIED as moot** as the parties stipulated to all remaining facts to be read to the jury at the beginning of the evidence and thus not requiring the jury to make any inference regarding these admitted facts.



KEARNEY, J.